

REMARKS

By the foregoing Amendment, Claims 20, 23 and 31 are amended and Claims 2 and 15 are cancelled. Entry of the Amendment, and favorable consideration thereof, is earnestly requested. Claims 2 and 15 being canceled herein, and Claims 21 and 22 having been previously canceled, Claims 1, 3-14, 16-20 and 23-34 are currently pending.

Claim Objections

Claims 23 and 31 were objected to as containing informalities, but have been amended as suggested by the Examiner to address the identified issues.

Claim Rejections - 35 USC § 112

Claims 1, 2, 15, 20, 23 and 25 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant asks the Examiner to reconsider these rejections in view of the above Amendments and the following Remarks.

Claims 1 and 25

The Examiner has rejected Claims 1 and 25, asserting that the term “conventional” gum base is unclear. However, the term “conventional” gum base is believed to be clearly explained at least in the specification, page 2, lines 23-25, wherein it is stated:

According to the invention, conventional gum base refers to a gum base comprising water insolvent parts, and more specifically conventional gum base refers to a gum base which has not been mixed with flavors or active ingredients.

Applicant respectfully submits that the skilled person is aware of the traditional dividing of chewing gum ingredients in water-insoluble and water-soluble parts, where the water-insoluble parts are retained in the mouth during chewing and are considered to be the gum base. Thus, Applicant submits that one skilled in the art, based upon the definition provided in the Specification, and the his/her own knowledge, would clearly understand what is encompassed by the term “conventional” gum base.

Claims 2 and 15

Claims 2 and 15 have been canceled, such that the previous rejections thereof are now moot.

Claim 20

Claim 20 has been amended to read " ...by weight of the chewing gum tablet," such that Applicant believes the previous rejection thereof is now moot.

Claim 23

The step of "granulating said second gum base;" has been reinserted into Claim 23. It was part of the claim as originally filed and the omission thereof was due to a clerical error. Applicant believes that the rejection of Claim 23 is now moot.

Claim Rejections - 35 USC § 102

Claims 1-6, 8-11, 14, 15 and 20 were rejected under 35 U.S.C. 102(b) as being anticipated by Yang (EP 0 221 850). Applicant respectfully asks the Examiner to reconsider these rejections in view of the following Remarks.

Present claim 1 reads:

1. *Compressed chewing gum tablet comprising:
a chewing gum center;
said gum center comprising a compression of gum base granules
and chewing gum additives;
said chewing gum additives comprising sweeteners and flavors;
at least a first part of said gum base granules comprising flavor or
active ingredients incorporated in the gum base; and
at least a second part of said gum base granules comprising granules of
conventional gum base.*

As disclosed in Claims 1, 23 and 25 the pending application relates to a compressed chewing gum comprising different parts of gum granules. The different granulates may be provided by a multi-string process, which enables differentiated treatment of separate parts of a chewing gum to obtain divergent granules. Hereby it is possible to adjust and control, e.g., the flavor release. See, for example, page 3, lines 13 -18 and 26 - 31.

Yang discloses a flavored tableted chewing gum. The Examiner refers to col. 11, lines 49-65 to indicate that Yang teaches that a tablet may be made by blending two or more granulations before compressing, wherein at least one contains a flavorant.

However, Applicant would like to point the attention of the Examiner to the fact that even though col. 11, lines 49-65 do speak of two or more granulations before compressing, first of all nothing is stated concerning the content of gum base in these granulations. The example given is a gum granulation containing sorbitol and aspartame, but no flavorant, which is blended with a second granulation containing an encapsulated flavorant. Whether this second granulation comprises gum base is unknown.

However, even if both granulations comprise gum base, the first granulation certainly does comprise sorbitol and aspartame and the second granulation certainly comprise an encapsulated flavorant. Consequently, Yang does not disclose (see present claim 1) at least two parts of gum base granules, of which at least a part of said gum base granules comprises granules of conventional gum base.

It is consequently respectfully submitted that Claims 1, 23 and 25 are novel over Yang.

In this regard the standard definition of "conventional gum base" which is also given in the description on page 2, lines 23-25 is that conventional gum base refers to a gum base comprising water insolvent parts, i.e., gum base which has not been mixed with water-soluble parts such as flavor, sweetener or active ingredients.

Furthermore it is noted that apart from col. 11, lines 49-65, the claims, examples and description of Yang are very consistent in describing a chewing gum tablets produced through the steps of mixing, solidifying, granulating and compressing; i.e. all ingredients desired in the chewing gum are mixed together in

the first step and the granulating step will inevitably create substantially uniform granules. Consequently, mixing of different granules is in no way in focus in Yang.

Mixing of different granules is not even mentioned in Athanikar et al. (U.S. Patent No. 6,322,828), and it is therefore respectfully submitted that Claims 1, 23 and 25 are novel over Athanikar et al. as well.

Consequently it is respectfully submitted that the claimed invention as stated in Claims 1, 23 and 25 is novel with regard to the cited prior art.

Claim Rejections - 35 USC § 103

Claims 7, 12, 13, 16-19 and 25-34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yang, and Claims 23 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Athanikar et al. Applicant respectfully asks the Examiner to reconsider these rejections in view of the following Remarks.

According to the present invention, it is desired to improve the process of manufacturing compressed chewing gum. By using a multi-string process according to present Claim 1, where one of the strings may comprise a product specifier with the second string comprising a universal base mix of conventional

gum base, that may be applied for every two string process, a number of advantages are obtained.

A first advantage is that the universal gum base mix, due to the fact that it only contains basic ingredients, is relatively stable and may be manufactured and stored relatively robust to environmental influences, such as humidity and temperature, when compared to the resulting pre-mix granulate comprising, e.g., incorporated flavor and active ingredients.

A second advantage is that the universal gum base mix, due to the fact that it only contains basic ingredients, may gain approval from the authorities once and for all for use in confectionery products.

A third advantage is that a shift to another product may easily be carried out by simply shifting the premix to include, e.g., another flavor or active ingredient.

A fourth advantage is that an adjustment of the chew profile, e.g., consistence and flavor release of the final chewing gum, can easily be carried out by balancing the amounts of the pre-mix and the granulated conventional gum base.

In other words, the use of a string of granules of conventional gum base to be mixed with at least one other string of granules facilitates the production procedure in a number of ways.

As mentioned above, Athanikar et al. does not mention a multi-string process at all. Yang slightly mentions the mix of two kinds of granules in col. 11, lines 49-65; however, none of these two kinds are conventional gum base granules, which are much more stable and robust than if water-soluble ingredients are mixed with them. Furthermore, apart from the slightly mentioning in Yang, the claims, examples and description are very consistent in describing chewing gum tablets from substantially uniform granules. Consequently, starting from either Yang or Athanikar et al. the skilled person would find no incentive to establish one feeding line of conventional gum base granules and thereby obtain the advantages mentioned here above.

According to the present invention, this has been achieved by establishing a "hybrid chewing gum" according to Claims 1, 23 and 25, comprising one part having flavor or active ingredients incorporated in the gum base granules and a second part comprising conventional gum base granules.

It is therefore respectfully submitted that Claims 1, 23 and 25 are non-obvious.

Double Patenting Rejections

It is noted that all claims were provisionally rejected under a theory of obviousness-type double patenting. As these rejections are provisional, Applicant will consider filing an appropriate Terminal Disclaimer, if appropriate, once the claims are otherwise determined to be in condition for allowance.

For the foregoing reasons, Applicant respectfully submits that all pending claims, namely Claims 1, 3-14, 16-20 and 23-34, are patentable over the references of record, and earnestly solicits allowance of the same.

Respectfully submitted,

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